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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,114	12/03/2003	Alexander Winker	82057	4410

7590 09/21/2004

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EXAMINER

SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,114

Applicant(s)

WINKER, ALEXANDER

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Specification

The disclosure is objected to because of the following informalities: since the specification is a translation for a foreign language it should be reviewed and revised to ensure it conforms to current U.S. practice which should include headings to the various sections.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example: In claims 1 and 14, "to be precise" is indefinite. In at least claims, 4, 8 and 12 there is no antecedent basis for "the edge". In at least claims 6, 7 and 13, there is no antecedent basis for "the flange". In at least claim 8, there is no antecedent basis for "the step". In at least claim 10, there is no antecedent basis for "the surfaces". Claim 11 is indefinite because the sealing means is only between the locking means and cap. In at least claim 12, there is no antecedent basis for "the free region". In at least claim 13, there is no antecedent basis for "the sealing means". Lastly, in at least claim 15,

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there is no antecedent basis for "said flange", "the radial inwardly-oriented free region" and "the edge".

The claims were examined as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (US 6,592,314). Wilson discloses a wheel nut comprising a nut body with a radial collar (12); a thrust washer (21) and a cap (40 [misabeled 30 in Fig. 1]). There is a locking means formed as an inwardly bent free region (44) of a flange (43) connecting the cap, washer and body such that the body rotates relative to the washer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson as applied to claim 1 above, and further in view of Bydalek (US 6,435,791). Wilson does not disclose the locking means formed on the washer. Bydalek discloses a wheel nut wherein a locking means (32) is formed on an edge of a washer (16) and further shows a step (26) running around a nut body. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to locate the locking means of Wilson on the washer and include a step as disclosed in Bydalek because Bydalek teaches the it to be equivalent to the current arrangement in Wilson (note Fig. 11).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson as applied to claim 1 above, and further in view of Underwood (US 4,717,299). Wilson does not disclose a central recess. Underwood discloses a wheel nut wherein, as seen in Fig. 3, there is a central recess between a surface of a washer (13) and a surface of a nut body (6). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide a central recess in Wilson as disclosed in Underwood in order to reduce friction between the nut body and washer to facilitate relative rotation.

Claims 11, 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson as applied to claim 1 above, and further in view of Shaw (US 4,295,766). Shaw teaches to provide a sealing ring (24) between a free edge of (11) of

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a washer (1) and a flange (17) of a cap (3). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide a sealing ring between the cap and washer of Wilson as disclosed in Shaw in order to prevent moisture from entering within the cap and corroding the nut body and stud.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

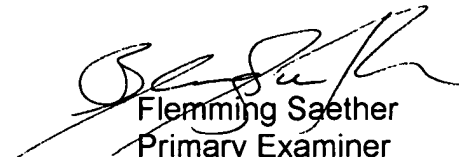
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Flemming Saether
Primary Examiner
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